



**EUROPEAN UNION – IMPLEMENTATION OF NON-TARIFF BARRIERS
ON AGRICULTURAL PRODUCTS**

COMMUNICATION FROM ARGENTINA, AUSTRALIA, BRAZIL, CANADA, COLOMBIA, COSTA RICA, CÔTE D'IVOIRE, DOMINICAN REPUBLIC, ECUADOR, GUATEMALA, HONDURAS, JAMAICA, MALAYSIA, NICARAGUA, PANAMA, PARAGUAY, PERU, UNITED STATES, AND URUGUAY

Revision

The following communication is being circulated at the request of the Delegations of Argentina, Australia, Brazil, Canada, Colombia, Costa Rica, Côte d'Ivoire, Dominican Republic, Ecuador, Guatemala, Honduras, Jamaica, Malaysia, Nicaragua, Panama, Paraguay, Peru, the United States, and Uruguay.

1. In order to face the challenge of producing more food in a safer and sustainable way, farmers must be able to access the full range of safe tools and technologies that are available for agricultural production. Yet, our farmers' choice of safe tools is increasingly undermined by regulatory barriers that are not founded on internationally agreed risk analysis principles and do not take into account alternative approaches to meeting regulatory objectives. This is already having a substantial negative impact on the production, and trade of, safe food and agricultural products, an impact that is likely to increase in the future.

2. We are raising concerns in the Council for Trade in Goods because the EU has begun to implement measures that effectively prohibit the use of a number of substances that are required for safe and sustainable agricultural production and have been assessed and authorized for use by many WTO Members. The EU has moved forward with the implementation of its measures, which were first enacted in 2009, even though other Members have, over the years, repeatedly expressed concerns in the Sanitary and Phytosanitary (SPS) and Technical Barriers to Trade (TBT) Committees regarding the overly restrictive impact of these measures on the trade of agricultural goods.

3. We believe in protecting human health and facilitating trade, both goals recognized under the WTO Agreements. To ensure a balanced approach, the international community has determined standards that follow the principle of evidence and science-based risk assessments, allowing WTO Members to achieve an appropriate level of protection, while at the same time ensuring that such measures are not more trade-restrictive than necessary. However, the EU is diverging from those standards by incorporating a hazard-based approach to the approval and renewal of plant protection product authorizations for certain substances. This is creating a high degree of uncertainty with respect to how import tolerances will be considered and set for authorization decisions in the EU.

4. Despite repeated requests in the TBT and SPS Committees over the past four years, the EU has not identified either the level of protection being sought or the specific pathways of exposure or risks that it seeks to mitigate, to justify the trade impact of these restrictions. The EU has not taken into consideration the comments of other WTO Members on draft regulations. It has also ignored requests to complete science-based risk assessments before the implementation of these measures; to take into account risk assessment techniques developed by international organizations and to articulate how risks would be assessed. In addition, the EU has not clarified, despite multiple

requests to do so, how it intends to consider applications for import tolerances for those substances that are being assessed following hazard-based criteria.

5. In implementing these measures, it appears that the EU is unilaterally attempting to impose its own domestic regulatory approach onto its trading partners. As a result, the EU is effectively prohibiting the use of critical tools to manage pests and resistance, while damaging the livelihood of farmers beyond its borders, especially those in developing countries and LDCs. Agricultural production varies by region and what works in Europe may not be appropriate in other climates and regions. The EU's insistence that farmers around the world will find "alternatives" rings hollow for many of the EU's trading partners who know that, in most cases, viable alternatives simply do not exist or in fact may carry higher risks to use than the substances effectively banned by the EU.

6. Most Members that use these substances do not have the capacity to develop viable and economically feasible alternatives to use in their production systems. Even if those alternatives were to be developed elsewhere, the process for registration and approval would take more time than the grace period established by the EU. In addition, the EU has not even considered Members' requests for additional transition periods in order to adapt to these regulations. The EU's implementation of these measures is already impacting global agricultural production and trade in key products such as bananas, grapes, cereals and tree nuts. This disruption threatens to escalate significantly in the coming years if the EU does not change its current approach.

7. The EU's implementation of these measures will disproportionately affect farmers in developing countries and LDCs, and the livelihood of millions of families whose income and sustenance depends on agriculture. This, in turn, will also affect Members' ability to achieve goals related to food security and sustainable development. Therefore, we ask the EU to re-evaluate its hazard-based approach to the approval and renewal of plant protection product authorizations; to confirm that import tolerances will continue to be established on the basis of internationally accepted approaches for risk assessment; and to cease to implement those measures that unnecessarily and inappropriately restrict international trade.

8. We urge the EU to provide additional information on the process and timelines to set import tolerances for active substances which are not re-authorized in the EU, as well as applicable transition periods for MRLs. Additionally, we strongly encourage the EU to establish a transparent, predictable and commercially viable import tolerance process for plant protection products which have not been re-approved that includes a risk assessment, taking into account risk assessment techniques developed by the relevant international organizations. We encourage the EU to engage meaningfully with trading partners on this issue.
